

MINUTES
YORK COUNTY PLANNING COMMISSION

Regular Meeting
York Hall
October 11, 2000
7:00 PM

MEMBERS

Spencer W. Semmes, Chair
Andrew A. Simasek, Vice Chair
Robert E. Beil, Jr.
Robert D. Heavner
Michael H. Hendricks
Thomas G. Shepperd
Ann F. White

CALL TO ORDER

Chair Spencer Semmes called the meeting to order at 7:00 p.m. All of the members were present with the exception of Mr. Heavner.

APPROVAL OF MINUTES

Mrs. White moved the approval of minutes of the regular meeting of September 13, 2000; they were approved unanimously, 6:0 (Mr. Heavner absent). Mr. Beil then moved adoption of the minutes of the work session on the same date, and they were approved unanimously.

INTRODUCTION

The Chair welcomed visitors and explained the composition of the Commission and its mission as an advisory body to the Board of Supervisors for all land use issues.

CITIZEN COMMENTS

There were no citizen comments.

CITIZEN COMMENTS - ZONING ORDINANCE REVISION PROJECT

There were no comments on this topic.

PUBLIC HEARINGS

Application Nos. ZM-52-00 and UP-561-00, Pyong Tuk Ko: Request to amend the York County Zoning Map by reclassifying a 0.7-acre parcel located at 601 Hampton Highway from R20 (Medium density single-family residential) to NB (Neighborhood Business); and request for a special use permit, pursuant to Section 24.1-306 (Category 9, No. 2) of the York County Zoning Ordinance, to authorize the

establishment of a Tae Kwon Do exercise/fitness center within an existing building located at 601 Hampton Highway. The property is located in the southeast quadrant of the intersection of Route 134 and Route 171 and is further identified as Assessor's Parcel No. 37-(24)-A. The Comprehensive Plan designates this area for Medium Density Residential development.

Mr. Michael King, assisted by a brief video, summarized his memorandum to the Commission dated September 12, 2000 in which the staff recommended approval of both resolutions, PC00-24 for amending the zoning map, and PC00-25 for the use permit. He stated the staff believes the proposed zoning amendment, if approved, will more accurately reflect the appropriate land use for the site.

Mr. Semmes asked what the original zoning classification was for the site and Mr. King said it appears to have been residential, R-17. Mr. Simasek, noting the applicant's proffer that prohibits a convenience store at the location, asked if a grocery store would be permitted and what the difference is between the two. Mr. King said primary distinctions between a convenience store and a grocery store are traffic volumes, size, and operating hours.

Mr. Beil asked if the Edgewood subdivision homeowners have commented, to which Mr. King reported he has heard no opposition from them and heard from one homeowner who supported the application. Mr. Beil inquired about the gasoline tanks that served the former convenience store on the site and Mr. King replied the tanks appear to have been removed from the ground.

Mr. Shepperd agreed the proposal would improve the "eyesore" that the building is now, but he asked about existing and future buffers and landscaping between the building and its closest neighbors. Mr. King suggested the applicant could answer the question, but the overall issue of buffers is under review during the current Zoning Ordinance rewrite and could be revised. Mr. Shepperd also questioned why the proposed zoning is NB (Neighborhood Business) when the zoning directly across Route 134 is GB (General Business). Mr. King explained that a NB classification recognizes the relatively small lot and the residential area directly behind the lot. Mr. Bob Baldwin added that NB should generate less traffic than GB and a less negative impact while offering a range of opportunities to the property owner. Mr. Shepperd believed it would make more sense to rezone the parcel to GB (General Business) and that the inconsistency should be addressed. He was not opposed to the two applications, however.

Chair Semmes opened the public hearing. There being no one to speak, Mr. Semmes closed the public hearing.

Mr. Simasek inquired of the time frame for opening the proposed business.

Mr. Pyung Tuk Ko, 980 J. Clyde Morris Boulevard, Newport News, said he will open the business as soon as possible after approval and after all of the exterior and interior improvements are completed. Responding to Mr. Shepperd, he said he would offer training in tae kwon do, tai chi and Chinese martial arts. He spoke of the ages of the expected clientele and the anticipated hours of operation for various age groups.

Mr. Shepperd moved to adopt Resolution PC00-24 to recommend approval of the zoning reclassification. It passed unanimously (6:0, Mr. Heavner absent).

Resolution PC00-24

On motion of Mr. Shepperd, which carried 6:0 (Heavner absent), the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF APPLICATION NO. ZM-52-00 TO AMEND THE YORK COUNTY ZONING MAP BY RECLASSIFYING 0.7 ACRE LOCATED AT 601 HAMPTON HIGHWAY (ROUTE 134) FROM R20 (MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL) TO NB (NEIGHBORHOOD BUSINESS) SUBJECT TO THE CONDITIONS VOLUNTARILY PROFFERED BY THE PROPERTY OWNER

WHEREAS, Riley B. Lowe has submitted Application No. ZM-52-00 which requests an amendment to the York County Zoning Map by reclassifying from R20 (Medium Density Single Family Residential) to NB (Neighborhood Business) a 0.7-acre parcel located at 601 Hampton Highway (Route 134) subject to conditions voluntarily proffered by the property owner. The parcel is located in the southeast quadrant of the intersection of Route 134 and Route 171 and is further identified as Assessor's Parcel No. 37-(24)-A; and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has carefully considered the public comments and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 11th day of October, 2000, that Application No. ZM-52-00 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to amend the York County Zoning Map from R20 (Medium Density Single Family Residential) to NB (Neighborhood Business) a 0.7-acre parcel located at 601 Hampton Highway (Route 134) subject to the conditions voluntarily proffered by the property owner as set forth in the proffer statement and listed below. The parcel is further identified as Assessor's Parcel No. 37-(24)-A.

1) The property shall not be used for the following land uses:

- a) Carry-out Restaurant
- b) Convenience Store

* * *

Mr. Simasek then moved the adoption of Resolution PC00-25 to recommend approval of the use permit, which motion carried unanimously, 6:0.

Resolution PC00-25

On motion of Mr. Simasek, which carried 6:0 (Heavner absent), the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF APPLICATION NO. UP-561-00 FOR A USE PERMIT TO ESTABLISH AN EXERCISE FACILITY ON 0.7 ACRE OF PROPERTY LOCATED AT 601 HAMPTON HIGHWAY (ROUTE 134)

WHEREAS, Pyong Tuk Ko has submitted Application No. UP-561-00 which requests a use permit, pursuant to Section 24.1-283 (Category 9, No. 2) of the York County Zoning Ordinance, to authorize establishment of an exercise facility on .7 acre of property located at 601 Hampton Highway (Route 134) and further identified as Assessor's Parcel No. 37-(24)-A; and

WHEREAS, said application has been forwarded to the Planning Commission; and

WHEREAS, the Commission has conducted a duly advertised public hearing on this application in accordance with applicable procedure; and

WHEREAS, the Commission has carefully considered the public comments and the staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this 11th day of October, 2000, that it does hereby forward Application No. UP-561-00 to the Board of Supervisors with a recommendation of approval, subject to the following conditions:

1. This use permit shall authorize the establishment of an exercise facility on the property located at 601 Hampton Highway (Route 134) and further identified as Assessor's Parcel No. 37-(24)-A, subject to the conditions set out herein.
2. All off-street parking and loading space shall be located not less than twenty-five feet (25') from any residential property line and shall be effectively screened from view from adjacent residential properties by landscaping, supplemented, as necessary, by appropriate fencing materials.
3. Outdoor lighting shall be directed away from property lines and rights-of-way and shall not cast objectionable glare on adjacent properties or streets. All external lighting, including security lighting, shall be full cutoff fixtures.
4. Existing trees on the site shall be retained as a buffer between the development and the Edgewood subdivision.
5. A site plan prepared in accordance with Article V of the York County Zoning Ordinance must be approved prior to obtaining permits for site and building modifications.
6. Freestanding signage shall be limited to one (1) ground-mounted monument type sign.

7. Graphic art painted on the sides of the building shall be considered as signage for the purposes of calculating the permitted sign area in accordance with Section 24.1-702 and Section 24.1 Section 24.1-703 of the Zoning Ordinance.
8. The applicant shall be responsible for compliance with the regulations in Section 24.1-115(b)(6) of the Zoning Ordinance that pertain to the recordation of this resolution in the office of the Clerk of the Circuit Court.

Application No. UP-562-00, Tina D. Judson: Request for a special use permit, pursuant to Section 24.1-283(b) of the York County Zoning Ordinance, to authorize a beauty salon as a home occupation within a single-family detached dwelling located at 302 Coach Hovis Drive and further identified as Assessor's Parcel No. 38-(10)-5-71. The property is zoned R20 (Medium density single-family residential) and the Comprehensive Plan designates this area for Medium Density Residential development.

Mr. Tim Cross, assisted by a brief video, presented a summary of his memorandum to the Commission dated September 28, 2000 in which the staff recommended approval through the adoption of Resolution PC00-26.

Mr. Shepperd asked if the staff had heard from the homeowners' association for Woods of Tabb development; and Mr. Cross said that he had talked with two members of that association's Board of Directors who expressed no opposition.

A discussion ensued about hours of operation, number of clients to be served within any particular time frame, increased traffic in the neighborhood, and possible interruptions in the daily lives of the applicant's neighbors. Mr. Beil remarked that there is a home-operated beauty shop four doors from his own home and he has detected no difference in traffic, parking or neighborhood activity since it began operating. Mr. Cross said that six home beauty salons have been approved in the County in the past 10 years and none have been reported to cause problems for their neighbors.

The Chair opened the public hearing.

Ms. Tina Judson, 302 Coach Hovis Drive, spoke in support of her application. Ms. Judson said that she had discussed her application with her subdivision homeowners' association and they did not oppose her intentions. She proposes to operate a one-chair salon and would serve one client at a time and therefore hire no employees, she stated. Ms. Judson indicated that she would abide by whatever conditions the County imposed.

There were no others to speak, and the Chair closed the public hearing.

Mr. Hendricks recommended revising the operating hours to 9 AM to 7 PM.

Mr. Shepperd indicated his support.

Mrs. White moved the adoption of Resolution PC00-26(R), and it was approved 6:0 (Mr. Heavner absent).

Resolution PC00-26(R)

On motion of Mrs. White, which carried 6:0, the following resolution was adopted:

**A RESOLUTION TO RECOMMEND APPROVAL OF AN APPLICATION
FOR A SPECIAL USE PERMIT TO AUTHORIZE A BEAUTY SALON AS A
HOME OCCUPATION AT 302 COACH HOVIS DRIVE**

WHEREAS, Tina D. Judson has submitted Application No. UP-562-00 requesting a special use permit, pursuant to Section 24.1-283(b) of the York County Zoning Ordinance, to authorize a beauty salon as a home occupation within a single-family detached dwelling on property located at 302 Coach Hovis Drive and further identified as Assessor's Parcel No. 38-(10)-5-71; and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has given careful consideration to the public comments and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 11th day of October, 2000, that Application No. UP-562-00 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize a special use permit, pursuant to Section 24.1-283(b) of the York County Zoning Ordinance, to establish a beauty salon as a home occupation within a single-family detached dwelling on property located at 302 Coach Hovis Drive and further identified as Assessor's Parcel No. 38-(10)-5-71, subject to the following conditions:

1. This use permit shall authorize the establishment of a one (1)-chair beauty salon as a home occupation within a single-family detached dwelling on property located at 302 Coach Hovis Drive and further identified as Assessor's Parcel No. 38-(10)-5-71.
2. The conduct of such home occupation shall be limited to an area within the existing home not to exceed 150 square feet.
3. The home occupation shall be conducted in accordance with the provisions of Sections 24.1-281 and 24.1-283(b) of the York County Zoning Ordinance, except as modified herein.
4. No person other than individuals residing on the premises shall be engaged on the premises in the home occupation.
5. The days and hours of operation shall be limited to three (3) days a week, Monday through Saturday, from 9:00 AM to 7:00 PM.

6. No more than one (1) customer at any one time shall be served within the applicant's home.
7. Retail sales on the premises shall be limited to incidental sales of shampoo, conditioning, and other hair care products.
8. No signs or other forms of on-premises advertisement or business identification visible from outside the home shall be permitted.
9. In accordance with the terms of the Zoning Ordinance, at least one (1) off-street parking space shall be provided on the premises to accommodate clients. This space shall be in addition to the two (2) spaces that are otherwise required for the single-family residence.
10. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this special use permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

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STAFF REPORTS

Mr. Baldwin reported that Mr. Brian Woodward of the Department of Environmental and Development Services would make a presentation on drainage at the regular meeting of the Commission in November.

Mr. Baldwin reported on recent actions by the Board of Supervisors.

COMMITTEE REPORTS

Mr. Simasek stated that the Regional Issues Committee would meet October 26, 2000.

COMMISSION REPORTS AND REQUESTS

The Commission presented a resolution of appreciation to Mr. Bob Baldwin, Chief Planner, who has resigned his position to accept a position in another locality. It reads:

Resolution PC00-27

A RESOLUTION OF APPRECIATION TO ROBERT A. BALDWIN, AICP

WHEREAS, Robert A. Baldwin, AICP, served as Chief Planner for the York County Planning Division from January 1998 through October 2000; and

WHEREAS, as Chief Planner for the County, Mr. Baldwin served as principal technical adviser to the York County Planning Commission; and

WHEREAS, during his tenure Mr. Baldwin oversaw the completion of an updated Comprehensive Plan, Charting the Course to 2015, adopted by the Board of Supervisors on October 6, 1999, and the initiation of a comprehensive revision of the Zoning Ordinance, two

major projects that will have a positive impact on development in the County and the quality of life of its citizens; and

WHEREAS, in his service to the Commission, Mr. Baldwin has consistently demonstrated wisdom, intelligence, and a commitment to the highest standards of professionalism in planning; and

WHEREAS, Mr. Baldwin has accepted a position with another locality and thus has resigned his position with York County;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this 11th day of October, 2000, that it does hereby acknowledge and sincerely thank Robert A. Baldwin, AICP, for his years of service to the Commission and to the citizens of York County, and expresses its best wishes to Mr. Baldwin in his new position and in all future endeavors.

FUTURE BUSINESS

Mr. Baldwin reported to the members on the applications being processed for public hearing in November.

ADJOURNMENT

There being no further business, the Chair called adjournment at 8:04 P.M.

SUBMITTED: _____/s/_____
Phyllis P. Liscum, Secretary

APPROVED: _____/s/_____
Spencer W. Semmes, Chair

DATE: November 8, 2000